

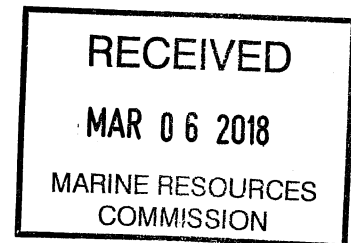


DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

February 9, 2018

Eastern Virginia Regulatory Section

Mrs. Leslie Hartz, Atlantic Coast Pipeline, LLC
707 East Main Street, 19th Floor
Richmond, Virginia 23219



Dear Mrs. Hartz:

This is in regard to your request for Department of the Army permit authorization, number NAO-2014-1749 (VMRC #15-1353) to permanently impact approximately 80.76 acres of wetlands (total wetland loss = 0.96 acres, total wetland conversion = 79.80 acres) and 2,077 linear feet of stream and to temporarily impact 111,835 linear feet of stream, 216.65 acres of wetlands and 0.81 acres of open water. Impacts will occur to facilitate the installation of pipeline at 889 separate crossings within the Commonwealth of Virginia along a 307.1 mile natural gas pipeline known as the Atlantic Coast Pipeline (ACP).

The proposed ACP project within Virginia consists of approximately 234.6 miles of 42-inch outside diameter pipeline (AP-1) with 3 lateral spurs (AP-3, AP-4, and AP-5). AP-1 enters Virginia in Highland County and continues southeast through Highland, Bath, Augusta, Nelson, Buckingham, Cumberland, Prince Edward, Nottoway, Dinwiddie, Brunswick, and Greenville Counties. AP-1 would terminate approximately 200 feet south of the state/commonwealth line in Northampton County, North Carolina at proposed Compressor Station 3 (CS-3). The AP-3 lateral, consists of 20-inch outside diameter pipeline, originating at CS-3 and extending east/northeast for approximately 71.1 miles within Virginia, crossing through Greenville and Southampton Counties, and the Cities of Suffolk and Chesapeake terminating with a connection to an existing Virginia Natural Gas pipeline in the City of Chesapeake. The AP-4 lateral consists of a 16-inch outside diameter pipeline originating at approximately milepost (MP) 279.6 of the AP-1 mainline in Brunswick County, Virginia and extending approximately 0.4 mile due west to a new interconnect with the Dominion Energy Virginia (DEV) Brunswick electric generating facility currently under construction. The AP-5 lateral consist of a 16-inch outside diameter pipeline originating at approximately MP 284.4 of the AP-1 mainline in Greenville County, Virginia and extending approximately 1 mile to the south/southwest to an interconnection with a DEV electric generating facility currently under construction.

The individual impacts are further detailed on the enclosed drawings entitled "Atlantic Coast Pipeline," July 13, 2017, Figures A-3 Topographic Maps, July 13, 2017, A-4 Aerial Sheet Maps, and October 24, 2017, South Branch Elizabeth River M&R Station revision map, prepared and submitted on behalf of the applicant by ERM (attached).

Your proposed work as outlined above satisfies the criteria contained in the Corps Nationwide Permit 12, attached. The Corps Nationwide Permits were published in the January 6, 2017, Federal Register notice (82 FR 1860) and the regulations governing their use can be found in 33 CFR 330 published in Volume 56, Number 226 of the Federal Register dated November 22, 1991.

This nationwide permit verification is contingent upon the following project specific conditions:

Special Conditions:

1. This verification remains contingent upon the permittee's submitted Pre-Construction Notification (PCN) information regarding the scope and/or impacts of the proposed activities as described in the enclosed Table B-1, titled *Wetland and Waterbody Crossings for the Atlantic Coast Pipeline within the U.S. Army Corps of Engineers – Norfolk District*. Should new information regarding the scope and/or impacts of the proposed activities become available that was not submitted to this office during our review of the proposal, the permittee must submit written information concerning proposed modification(s) to this office for review and evaluation, as soon as practicable.
2. Except as modified by Special Condition 10, the Permittee shall perform all work in jurisdictional waters and wetlands in compliance with the attached typical construction plans and cross section drawings provided by Environmental Resources Managers for the Atlantic Coast Pipeline.
3. The Permittee shall submit to the Corps purchase bills of sale for all compensatory mitigation credit to be applied toward impacts in a particular 8-digit HUC (Reference attachment: Attachment C_20180103 USACE NAO Final) prior to conducting any work within that HUC authorized under this verification). Please submit documentation to: steven.w.gibson@usace.army.mil.
4. Prior to undertaking any activities in the following HUC's (02080201, 02080202, 03010201, 03010202 and 03010204) and approved under this authorization, the Permittee must receive written Corps approval of final plans for the Permittee-Responsible Mitigation (PRM) to be applied to impacts within the respective HUC (Reference attachment: Attachment C_20180103 USACE NAO Final Mitigation Plan).
5. The Permittee shall ensure that all PRM monitoring and performance standards are met or exceeded at PRM sites. Should all or any part of the PRM site fail to meet established success criteria for three (3) consecutive monitoring periods, the Permittee

will purchase from an approved and appropriate Mitigation Bank or In Lieu Fee Program sufficient credit to offset that failed portion.

6. The Permittee shall ensure that all waters and wetlands are flagged in the field prior to any construction to prevent accidental impact to resources not necessary for construction.

7. The Permittee shall remove all temporary stream construction entrances within 15 days following completion of all work for which the construction entrance is required.

8. The Permittee shall replace to pre-project contours, stabilize, and re-seeded all stream banks, riparian areas, and wetlands disturbed at each crossing within 15 days following completion of all construction activities at the crossing.

9. Upon completion of the project the Permittee shall submit to the Corps as-built plans.

10. Actual construction activities (discharges, excavation, etc.) at any given crossing will be limited to 75 linear feet. Total work limit widths at stream crossings may exceed 75 feet but impacts to additional linear footage above 75 feet will be limited to dewatering. This limitation shall be carried out 50 feet on either side of the Waters of the US to limit impacts to the aquatic resource. This limit is waived at any specific crossing where the Virginia Department of Environmental Quality grants an individual waiver.

11. One month after all authorized work is completed, and again at the end of the first full growing season (no later than October 31) after all authorized work has been completed, the Permittee shall inspect all authorized stream and wetland crossings sites that have been temporarily impacted in order to verify that excess fill material has been removed and that the site has been restored to pre-existing conditions and contours. These monitoring events shall be summarized in a single report containing:

- a. A statement of whether all excess fill has been removed.
- b. A description of the status of vegetative growth in the impacted wetlands/stream

12. The Permittee shall adhere to any special conditions of the attached 408 permission letter (33 USC 408).

Provided the project specific conditions (above) and the Nationwide Permit General Conditions (enclosed) are met, an individual Department of the Army Permit will not be required. In addition, the Virginia Department of Environmental Quality has provided a

conditional §401 Water Quality Certification for Nationwide Permit Number 12. A permit may be required from the Virginia Marine Resources Commission and/or your local wetlands board, and this verification is not valid until you obtain their approval, if necessary. This authorization does not relieve your responsibility to comply with local requirements pursuant to the Chesapeake Bay Preservation Act (CBPA), nor does it supersede local government authority and responsibilities pursuant to the Act. You should contact your local government before you begin work to find out how the CBPA applies to your project.

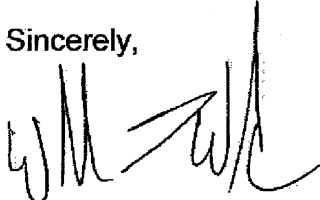
Enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the nationwide permit terms and conditions.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2022. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). Project specific conditions listed in this letter continue to remain in effect after the NWP verification expires, unless the district engineer removes those conditions. Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

In granting an authorization pursuant to this permit, the Norfolk District has relied on the information and data provided by the permittee. If, subsequent to notification by the Corps that a project qualifies for this permit, such information and data prove to be materially false or materially incomplete, the authorization may be suspended or revoked, in whole or in part, and/or the Government may institute appropriate legal proceedings.

If you have any questions and/or concerns about this permit authorization, please contact Mr. Steve Gibson via telephone at 757-201-7418 or via email at Steven.W.Gibson@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Walker', with a stylized flourish at the end.

William T. Walker
Chief, Norfolk District Regulatory Branch

Enclosure(s)

cc:

Federal Energy Regulatory Commission
Virginia Marine Resources Commission
Department of Environmental Quality